

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Closure of Chestnut Children's Centre Nursery		
Name (Key Officer/Author):	Suzie Franklin	Business Unit:	Children's Services
Position:	Head of Schools	Tel:	01803 208943
Date:	3 rd October 2012	Email:	Suzie.franklin@torbay.gov.uk

Since the Equality Act 2010 came into force the Council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the Council's decision-making process.

Relevance Test – 'A Proportionate Approach'

Not all of the proposals or strategies we put forward will be 'relevant' in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer 'yes' to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y	
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, 'knock-on' effects for other business units, our reputation, finances, legal obligations or service provision) 	Y Y Y	

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>The proposal is to close the Chestnut Children’s Centre Nursery in Brixham. There are currently 170 vacant sessions at Chestnut Nursery per week. The demand for placements from the number of families and children has declined following the closure of Chestnut Primary School. (See data section) As a result the cost to the Authority of maintaining this provision has reached £80,000 per year (2011 – 2012) and is anticipated a further investment of £44,000 will be needed in 2012 – 2013.</p> <p>Torbay Council ran two separate procurement processes in 2009 and 2011 to offer the provision to the private, voluntary and independent sector. On both occasions there was little interest expressed in Chestnut Nursery and no providers were able to be selected to enable the outsourcing of the nursery.</p> <p>Attendance figures for Chestnut Children’s Centre demonstrate that less families are attending sessions at Chestnut Children’s Centre and the number of families signed up to this children’s centre are declining.</p>
2.	Who is intended to benefit / who will be affected?	<p>The children and families attending the nursery will be affected by this proposal as it will result in them having to find alternative childcare arrangements, however sufficiency information on the availability of childcare places in the Brixham area demonstrates that there are enough places available with other providers including local childminders.</p> <p>Chestnut Nursery currently has 8.8 x FTE and it is likely that these individuals will be placed at risk of redundancy. There may be the possibility of redeploying some members of staff into other provisions based on parental demand.</p> <p>There is the potential for alternative childcare provisions to become more sustainable and profitable from the proposal as the numbers of children attending alternative provision will increase.</p>
3.	What is the intended outcome?	<ul style="list-style-type: none"> • The children and families of Chestnut Nursery are fully supported to find alternative childcare to meet their needs. • The local authority reduces the financial subsidy being provided to the childcare market in Brixham. • The childcare market in Brixham becomes more sustainable for the future.

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>According to the 2001 Census (ONS) there were 360 children aged 0 to 5 who were living in St Mary's with Summercombe (the ward in which Chestnut Nursery is based) and 390 children aged 0 to 5 who were living in the neighbouring ward of Berry Head with Furzeham. <i>(Data from the 2011 Census at ward level is due to be released between November 2012 and March 2013, so is not yet available to provide an update on the number of children living in Brixham)</i></p> <p><u>Deprivation Statistics</u> The area in which Chestnut Nursery is located ranks in between the 20% and 30% (rank 8,544th out of 32,482) most deprived areas nationally. As do four of the surrounding lower super output areas (LSOAs). None of the LSOAs in Brixham rank in the top 10% most deprived nationally.</p> <p><u>Attendees of the nursery</u> The nursery occupancy in September to December 2012 dropped to 36.5% compared to 48.8% during the same period of time in 2010.</p> <p>Currently the only parents on the waiting list for places at the nursery are staff who are on maternity leave.</p> <p><u>Current attendees of the nursery</u> The table below shows the active children at Chestnut Nursery by ward and rank of deprivation.</p> <ul style="list-style-type: none"> • In total 24 of the children at Chestnut Nursery live in the same ward as the nursery and 11 of those live within an area which ranks in the top 30% most deprived areas nationally, however they fall in the 20% to 30% most deprived. • 15 of the children live in the neighbouring ward of Berryhead with Furzeham and 2 live in Churston with

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		<p>Galmpton.</p> <ul style="list-style-type: none"> Three of the 44 children live in others across the bay, including one from Torquay (Shiphay with the Willows). <table border="1" data-bbox="562 264 2130 619"> <thead> <tr> <th rowspan="2"></th> <th colspan="5">Number of children</th> </tr> <tr> <th>Total</th> <th>20-30%</th> <th>30-40%</th> <th>40-50%</th> <th>50-60%</th> <th>60-70%</th> </tr> </thead> <tbody> <tr> <td>Berry Head-with-Furzeham</td> <td>15</td> <td>2</td> <td>1</td> <td>9</td> <td>1</td> <td>2</td> </tr> <tr> <td>Blatchcombe</td> <td>1</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Churston-with-Galmpton</td> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td>2</td> </tr> <tr> <td>Goodrington-with-Roselands</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>Shiphay-with-the-Willows</td> <td>1</td> <td></td> <td></td> <td>1</td> <td></td> <td></td> </tr> <tr> <td>St Mary's-with-Summercombe</td> <td>24</td> <td>11</td> <td></td> <td>8</td> <td>5</td> <td></td> </tr> <tr> <td>Total</td> <td>44</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><u>Sufficiency data</u></p> <p>OFSTED registered providers by distance from Chestnut Nursery</p> <table border="1" data-bbox="562 847 2130 1114"> <thead> <tr> <th>Distance from Chestnut Nursery</th> <th>Child-minder</th> <th>Day Nursery</th> <th>Pre-school</th> <th>School Nursery</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Within 1 mile</td> <td>6</td> <td>-</td> <td>1</td> <td>1</td> <td>8</td> </tr> <tr> <td>Between 1 & 2 miles</td> <td>7</td> <td>1</td> <td>1</td> <td>2</td> <td>11</td> </tr> <tr> <td>Total</td> <td>13</td> <td>1</td> <td>2</td> <td>3</td> <td>19</td> </tr> </tbody> </table>		Number of children					Total	20-30%	30-40%	40-50%	50-60%	60-70%	Berry Head-with-Furzeham	15	2	1	9	1	2	Blatchcombe	1	1					Churston-with-Galmpton	2					2	Goodrington-with-Roselands	1					1	Shiphay-with-the-Willows	1			1			St Mary's-with-Summercombe	24	11		8	5		Total	44						Distance from Chestnut Nursery	Child-minder	Day Nursery	Pre-school	School Nursery	Total	Within 1 mile	6	-	1	1	8	Between 1 & 2 miles	7	1	1	2	11	Total	13	1	2	3	19
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		<p data-bbox="546 603 860 635"><u>Financial Information</u></p> <p data-bbox="546 639 1330 671">The financial records demonstrate a year on year loss:</p> <ul data-bbox="607 676 1167 831" style="list-style-type: none"> <li data-bbox="607 676 1003 708">• 2009/10 - £31,000 (loss) <li data-bbox="607 713 1003 745">• 2010/11 - £67,000 (loss) <li data-bbox="607 750 1003 782">• 2011/12 - £81,000 (loss) <li data-bbox="607 786 1167 831">• 2012/13 - £44,000 (anticipated loss) 																				

No	Question	Details
5.	How have you consulted on the proposal?	<p>The consultation period ran from the 13th November 2012 and was extended to the 7th January 2013.</p> <p>The consultation process followed the process outlined below:</p> <ul style="list-style-type: none"> • Stage 1 – Unions formally informed of the proposal through information papers and an invitation to a meeting on the 13th November 2012. • Stage 2 – Staff informed of the proposal via a meeting on the 13th November 2012. • Stage 3 – Stakeholders (including parents and Brixham Town Council) provided with the consultation paper on the 13th November 2012. • Stage 4 – Public meeting held on the 21st November 2012. • Stage 5 – Officers ensured that stakeholders had the opportunity to make representations via letters, e-mails, telephone and face to face contacts. <p>No formal staff consultations will begin until a decision is made. If a decision was made to accept the proposal the consultation with staff would begin in line with the Council’s Human Resources (HR) policy.</p> <p>If the decision was to accept the proposal the 12 weeks’ notice period for parents would sit outside any consultation process.</p>
6.	Outline the key findings	<p>The range of stakeholders engaging in the consultation activities included parents, staff, childcare providers, Headteachers and Town Councillors.</p> <p>The Council has received 179 responses from an independent petition against the closure.</p> <p>The key findings from the consultation was as follows:</p> <ul style="list-style-type: none"> • There was insufficient alternative childcare to accommodate the needs of all parents currently attending Chestnut Nursery • The Council should consider amalgamating The Nest Nursery and Chestnut Nursery within the Chestnut Nursery building. This has been considered, but this proposal would result in a greater number of children being displaced. • The community should be allowed an opportunity to develop an appropriate Social Enterprise to run Chestnut Nursery. • The decision to close Chestnut Nursery would have a negative impact on the growth of Brixham.

No	Question	Details
		<ul style="list-style-type: none"> • The original consultation process was inadequate and did not provide sufficient time to enable representations to be made. • The proposed closure date of February 2013 would disrupt children during an academic year. • Chestnut Nursery had not been allowed to advertise leading to a fall in occupancy rates.
7.	<p>What amendments may be required as a result of the consultation?</p>	<p>Following consultation the Council made the following amendments to the proposal:</p> <ul style="list-style-type: none"> • The closing date for the consultation was extended from the 26th November 2012 to the 7th January 2013 to enable full representation to be made. • The proposed closure date of February 2013 was amended to the 31st August 2013 to minimise the impact on children during an academic year. • The proposed closure date of 31st August 2013 will enable parents to have the largest selection of alternative childcare options as children will be leaving early years providers to start school. • Significant potential growth in the future of the childcare market in Brixham has not been identified; any future growth would be an attractive aspect to potential providers in the private, voluntary and independent sector and may result in market forces opening new provision. • The Council has worked with an identified group to explore the option of a social enterprise model. Key officers continue to provide information to this group and are seeking expertise to work with parents/stakeholders on developing this option. The Council remains open to receive a viable business proposal from any interested parties until 2nd April 2013.

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally			The proposal impacts on children aged 0 to 5 and their parents/carers. The proposal could have a potential impact on employment of staff.
	Older or younger people		Children 0 to 5 attending Chestnut Nursery Children may experience an unsettling time impacting on their emotional well-being and academic achievement for a short period of time whilst transitioning into a new environment.	
	People with caring responsibilities	There is a potential that the cost of alternative childcare might be less than existing fees.	Parents of children attending will need to find alternative childcare arrangements as their preferred choice may not be available. Parents might be inconvenienced due to the location of other childcare and they may not be able to get the hours and days they require within alternative provision. There is a potential that the cost of alternative childcare might be higher than existing fees.	
	People with a disability		Currently there are a small number of children attending Chestnut	

No	Question	Details	
			<p>Nursery with Special Educational Needs (SEN). Some children are being put forward for a statement of educational need and are currently in receipt of speech and language support. These children may experience an unsettling time impacting on their emotional wellbeing and academic achievement while transitioning to a new environment.</p> <p>Some parents have a disability and have selected Chestnut Nursery as the most accessible provision to support their needs. These parents may not be able to find suitable accessible provision.</p>
Women or men			<p>Both men and women will be affected by the decision as parents/guardians of the children that attend Chestnut Nursery, however from the number of women dropping off and collecting children from nurseries it is envisaged that women will be greater affected by the decision.</p>
People who are black or from a minority ethnic background (BME)			No differential impact on this group.
Religion or belief (including lack of belief)			No differential impact on this group.
People who are lesbian, gay			No differential impact on this group.

No	Question	Details	
	or bisexual		.
	People who are transgendered		No differential impact on this group.
	People who are in a marriage or civil partnership		No differential impact on this group.
	Women who are pregnant / on maternity leave	There are currently a small number of pregnant families on the waiting list for Chestnut Nursery who are members of staff on maternity leave. Future parents that plan to use the centre (but have not registered their interest) maybe affected by this proposal.	
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	<p>Children and their families affected by this proposal will be fully supported in finding and settling into alternative arrangements, details of this are outlined under No.11 below. Through the Family Information Service (FIS) and the Early Years and Childcare Advisory Service families will be supported throughout the transition to find alternative arrangements which meet their needs.</p> <p>The moving of the proposed closure date to 31st August 2013 will enable alternative providers to consider and plan for the needs / ages of children seeking alternative provision. The parents affected by this proposal will be considering new provision at a time when there is the lowest occupancy within alternative nursery provision.</p>	

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will	Parents and carers will be fully supported in finding alternative arrangements which meet their needs, in some cases this may result in parents finding an alternative provider which is cheaper than the current provision. This

	be realised most effectively?	will be identified as part of the support the Family Information Service will offer to parents needing to find alternative provision.
11.	Summarise any negative impacts and how these will be managed?	<p><i>Negative impact –finding alternative childcare</i> The Family Information Service (FIS) will offer a bespoke package of support to each family, assessing their childcare needs and matching current vacancies to family’s patterns of childcare. The Council will act as a broker for parents in arranging and finding vacancy information.</p> <p><i>Negative Impact - Children may experience an unsettling time impacting on their emotional well-being and academic achievement for a short period of time whilst transitioning into a new environment.</i> The Early Years and Childcare Advisory Service will offer a transition package for each child to ensure that their educational assessment and emotional needs are supported effectively into the new provision. The local authority can facilitate the joining of practitioners / key person from the childcare providers to discuss child / family needs prior to the transition to a new setting. THRIVE provision (a developmental assessment and specific approach to supporting children’s emotional well being) can be planned for all children at the transitional point to ensure minimal impact on their academic achievement and emotional well-being.</p> <p>The Early Years Inclusion Teacher will offer bespoke support to all children with SEN. A carefully planned transition will be put in place for these children and the qualified teacher will continue to monitor the provision offered within the alternative childcare in association with the settings Special Education Needs Co-ordinator.</p> <p>The quality of childcare across Torbay is significantly high (93% rated as good or outstanding by Ofsted). It is highly likely that children will transition to a setting that has the necessary skills and expertise to support each child/family.</p> <p><i>Negative Impact – Increased cost of childcare</i> Some parents may be affected by increased childcare costs if paying for additional childcare above the 15 hour free educational entitlement for over 3’s or privately funded childcare for under 3’s. Parents eligible for Free School Meals (FSM) will be able to take advantage of 15 hours of free nursery education for children 2 and over from 1st September 2013. The cost of wraparound childcare provided by Childminders is brokered on an individual basis. The Family Information Service would work with alternative providers to match provision to financial needs where possible.</p> <p><i>Negative Impact – Accessibility of the provision</i></p>

	Parents selecting Chestnut Nursery due to the accessibility of the provision will be supported to find the most appropriate alternative on an individual basis. The new provision will be supported / assessed to ensure that as many adaptations can be instigated prior to September 2013.
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Section 4: Course of Action

No	Action	Details
12.	<p>State a course of action</p> <p>[please refer to action after section 5]</p>	<p><i>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</i></p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p> <p><u>Outcome 3: Continue with proposal.</u></p> <p>The recommendation is to close Chestnut Nursery, however officers will continue to work with and supply additional information to interested parties to enable them to consider the viability of running Chestnut Nursery under a social enterprise model. If information was presented by the 2nd April 2013 that indicates the social enterprise could run the nursery the recommendation to the Mayor would be to recall the decision and allow this to be developed.</p> <p>The decision to close Chestnut Nursery on the 31st August 2013 rather than February 2013 will enable further time and an increased amount of options for parents to find alternative childcare.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	<p><i>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.</i></p> <p>The impact on individual children and families will be monitored through the planning of individual transition plans. The settling of children into alternative childcare will continue beyond the role of finding a placement and where a negative impact is identified additional personal will be provided to ensure children are fully supported and their needs are appropriately catered for.</p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Consultation with Trade Unions regarding decision and impact on staff	In line with HR change policy	HR time, Unions	HR, Early Years Manager	April 2013
2	Consultation with staff regarding decision and impact on employments	In line with HR change policy	HR time, Unions, Staff time	HR, Early Years Manager	April 2013
3	Notice provided to parents	Allowing parents to have the longest period of time to find alternative childcare	Family Information Service	Early Years Manager	April 2013
4	Establish a brokerage service for families on an individual basis	Providing parents with the best advice and solutions available to meet their needs.	Family Information Service, Nursery Staff, Parents, Information from	Family Information Service	May 2013

			Alternative Providers		
5	Establishment of transition plans for children (in particular children/families with identified additional needs or circumstances)	To ensure a smooth transition for all children/families, limiting the impact on both academic and social needs.	Early Years Advisory Teachers time, Early Years Inclusion Consultant time Nursery Staff time	Early Years Manager	May/June/ July 2013

Appendix 1

Sufficiency Information

- Number of providers by distance from Chestnut

Distance from Chestnut Nursery	Child-minder	Day Nursery	Pre-school	School Nursery	Total
Within 1 mile	5	1	0	1	7
Between 1 & 2 miles	6	1	1	1	9
Total	11	2	1	2	16

- Ofsted registered places within 1 mile of Chestnut

Type of childcare	No. of places	Age range	Vacancies
Childminder	25	0-14 years	Yes
Day Nursery	16	2-5 years	No
Pre-school	0	-	-
School Nursery	26	3-5 years	12.2 spaces 15 hours per week

- Ofsted registered places between 1 and 2 miles from Chestnut

Type of childcare	No. of places	Age range	Vacancies
Childminder	31	0-16 years	Yes
Day Nursery	55	0-5 years	Yes
Pre-school	26	2-5 years	Yes
School Nursery	26	3-5 years	9.63 spaces at 15 hours per week 17.8 spaces at 15 hours per week